

No. 22-15961

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

DONALD J. TRUMP, AMERICAN CONSERVATIVE UNION,
RAFAEL BARBOSA, LINDA CUADROS, DOMINICK LATELLA,
WAYNE ALAN ROOT AND NAOMI WOLF,

Plaintiffs-Appellants,

v.

TWITTER, INC., AND JACK DORSEY,

Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of California
Case No. 3-21-cv-08378-JD
Hon. James Donato, United States District Judge

**MOTION TO WITHDRAW AS COUNSEL FOR NAOMI WOLF
IMMEDIATE RELIEF REQUESTED**

JOHN P. COALE
2901 Fessenden Street NW
Washington, DC 20008
Telephone: (202) 255-2096
Email: johnpcoale@aol.com

ALEX KOZINSKI
719 Yarmouth Road Suite 101
Palos Verdes Estates, CA 90274
Telephone: (310) 541-5885
Email: alex@kozinski.com

ANDREI POPOVICI
MARIE FIALA
LAW OFFICE OF ANDREI D.
POPOVICI, P.C.
2121 North California Blvd. Suite 290
Walnut Creek, CA 94596
Telephone: (650) 530-9989
Facsimile: (650) 530-9990
Email: andrei@apatent.com
Email: marie@apatent.com

JOHN Q. KELLY
MICHAEL J. JONES
RYAN TOUGIAS
IVEY, BARNUM & O'MARA, LLC
170 Mason Street
Greenwich, CT 06830
Telephone: (203) 661-6000
Email: jqkelly@ibolaw.com
Email: mjones@ibolaw.com

RICHARD POLK LAWSON
GARDNER BREWER MARTINEZ
MONFORT
400 North Ashley Drive
Suite 1100
Tampa, FL 33602
Telephone: (813) 221-9600
Facsimile: (813) 221-9611
Email: rlawson@gardnerbrewer.com

FRANK C. DUDENHEFER, JR.
THE DUDENHEFER LAW FIRM
L.L.C.
2721 Saint Charles Avenue, Suite 2A
New Orleans, LA 70130
Telephone: (504) 616-5226
Email: fcdlaw@aol.com

John P. Coale, John Q. Kelly, Michael J. Jones, Ryan Tougias, Frank C. Dudenhefer, Alex Kozinski, Marie L. Fiala, Andrei Popovici, and Richard Polk Lawson ("Counsel") move for an order pursuant to FRAP 27(b) requesting immediate relief permitting Counsel to withdraw as requested by the Plaintiff-Appellant, Dr. Naomi Wolf.

Dr. Wolf advised Plaintiffs' Lead Counsel via email on August 24, 2022 that she wished to change her legal strategy and representation in this matter and therefore wished to withdraw from this action as Counsel's client, and that she would be represented instead by Scott Street. On August 28, 2002, Dr. Wolf again wrote Plaintiffs' Lead counsel, confirming that she consented to Counsel's withdrawing from representing her in all matters.

On August 28, 2022, Dr. Wolf, through her newly retained counsel, John W. Howard, Michelle D. Volk, and Scott J. Street, filed a series of pleadings in the United States District Court, Northern District of California below No. 3:21-cv-08378-JD:

- A. NOTICE by Naomi Wolf *Notice of Association of Counsel* (Howard, John) (Filed on 8/26/2022) (Entered: 08/26/2022, Doc. # 175);
- B. MOTION Plaintiff Dr. Naomi Wolf's Motion for Indicative Ruling Under Fed. R. CIV. P. 60 Based on Newly Discovered Evidence filed by Naomi Wolf. Responses due by 9/9/2022. Replies due by 9/16/2022. (Howard, John) (Filed on 8/26/2022) (Entered: 08/26/2022, Doc. # 176);
- C. Declaration of Scott J. Street in Support of Plaintiff Dr. Naomi Wolf's Motion for Indicative Ruling Under Fed. R. CIV. P. 60 Based on Newly Discovered Evidence filed by Naomi Wolf. (Related document(s) 176 (Howard, John) (Filed on 8/26/2022) (Entered: 08/26/2022, Doc.# 177).

On August 31, 2022, Counsel advised Mr. Street that, in light of Dr. Wolf's email instructions to Counsel as described above, Counsel would file a motion to withdraw from representing Dr. Wolf in this matter. Counsel further urged Mr. Street to file a substitution as counsel in this matter. Counsel sent substantially the same email to Mr. Street on Friday, September 2, 2022.

Dr. Wolf's address is:

Naomi Wolf
127 Boston Corners Rd.
Millerton, NY 12546
naomiwolf6@gmail.com

Counsel representing the interests of Dr. Wolf are:

JOHN W. HOWARD
MICHELLE D. VOLK
JW Howard / Attorneys, Ltd.
701 B Street, Suite 1725
San Diego, CA 92101
Tel (619) 234-2842; Fax (619) 234-1716
Email: johnh@jwhowardattorneys.com
michelle@jwhowardattorneys.com

and

SCOTT J. STREET
JW Howard / Attorneys, Ltd.
201 South Lake Avenue, Suite 303
Pasadena, CA 91101
Tel.: (213) 205-2800 E
Email: sstreet@jwhowardattorneys.com

Immediate relief is necessary inasmuch as the brief of Plaintiffs-Appellants, including Dr. Wolf is due on September 28, 2022. If Dr. Wolf elects to proceed, she and her counsel will be required to act expeditiously in order to meet that deadline or seek alternative relief.

Pursuant to Fed. R. App. Proc. 26.1, the undersigned certifies that Plaintiff American Conservative Union does not have a parent corporation and that no publicly held corporation owns 10% or more of its stock.

Pursuant to Fed. R. App. Proc. 32(g)(1), I certify that the present filing complies with the type-volume limitations of Fed. R. App. Proc. 27(d)(2)(A) because, excluding the items of Fed. R. App. Proc. 32(f), the present motion includes fewer than 5200 words, namely 468 words.

WHEREFORE, Counsel move for an order permitting their withdrawal as counsel herein for and on behalf of Naomi Wolf, Plaintiff-Appellant herein.

RESPECTFULLY SUBMITTED

By: s/ Andrei D. Popovici
ANDREI POPOVICI

*Attorney for Plaintiffs-Appellants
Donald J. Trump, American
Conservative Union, Rafael Barbosa,
Linda Cuadros, Dominick Latella,
and Wayne Alan Root*